

FILED

for H'burg  
DEC 08 2004

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
HARRISONBURG DIVISION

JOHN J. JORGAN, CLERK  
BY: [Signature] DEPUTY CLERK

DORIS E. CARROLL,

) CASE NO. 5:03CV00040

Plaintiff

)

v.

) REPORT AND RECOMMENDATION

JO ANNE B. BARNHART  
Commissioner of Social Security,

) By: B. Waugh Crigler  
U. S. Magistrate Judge

Defendant

)

The Commissioner having filed no objection to plaintiff's fee request for fees under the Equal Access to Justice Act (EAJA) as allowed by an Order entered on October 21, 2004, it is

R E C O M M E N D E D

that an Order enter awarding counsel for plaintiff, Daniel Schorsch, Esq. the sum of Two Thousand One Hundred Seventy-Five and 00/100 Dollars (\$2,175.00) in counsel fees under the EAJA, 28 U.S.C. § 2414 *et seq.*

The Clerk is directed to immediately transmit the record in this case to the Hon. Samuel G. Wilson, United States District Judge. Both sides are reminded that pursuant to Rule 72(b) they are entitled to note objections, if any they may have, to this Report and Recommendation within (10) days hereof. Any adjudication of fact or conclusion of law

rendered herein by the undersigned not specifically objected to within the period prescribed by law may become conclusive upon the parties. Failure to file specific objections pursuant to 28 U.S.C. § 636(b)(1)(C) as to factual recitations or findings as well as to the conclusions reached by the undersigned may be construed by any reviewing court as a waiver of such objection. The Clerk is directed to send a certified copy of this Report and Recommendation to all counsel of record.

ENTERED:

  
\_\_\_\_\_  
Judge

Dec 8, 2004  
\_\_\_\_\_  
Date